

**United States District Court
WESTERN DISTRICT OF NEW YORK**

JAVIER HERNANDEZ *et al.*,

PLAINTIFFS,

v.

**CIVIL ACTION
No. 02-CV-0523(S)(Sr)**

MARIA GARCIA-BOTELLO *et al.*,

DEFENDANTS.

SUGGESTION OF DEATH

Defendant Patsy Vigneri & Sons, Inc, by and through its undersigned counsel, suggests upon the record, pursuant to Federal Rule of Civil Procedure 25(a)(1), the death of Philip Vigneri during the pendency of this action.

Dated: August 26, 2009

Respectfully submitted,

/s/ Monte B. Lake

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2009, I electronically filed the foregoing Suggestion Of Death with the Clerk of the United States District Court for the Western District of New York using the CM/ECF system, which, upon information and belief, sent such filing to the following:

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